

**Remarks/Arguments**

Reconsideration of this application is requested.

**Claim Status**

Claims 1-3, 5-8, 10-12 and 14 are pending. Claims 1, 2, 10 and 11 are amended.

**Claim Rejections – 35 USC 102(b)**

Claims 1-3, 5-8, 10-12 and 14 are rejected under 35 USC 102(b) as anticipated by Ikeda (JP 408298509 A). In response, applicant traverses the rejections, and amends claims 1, 2 and 10 to clarify distinguishing features relative to Ikeda. In particular, claims 1, 2 and 10 (as amended) recite:

...a facsimile machine connectable to PSTN and to a LAN  
and to the internet...

and

...the control unit accepts the request for data transfer if  
the e-mail is received over LAN and does not accept the  
request for data transfer if the e-mail is received over the  
internet...

With respect to the first limitation, the Action asserts that Ikeda discloses in FIG. 2 a facsimile apparatus 201 connectable to PSTN 120 and LAN 135. However, the Action does not assert, and Ikeda does not disclose, that facsimile apparatus 201 is also connectable to the internet. There is no description or drawing in Ikeda that discloses or suggests that facsimile apparatus 201 is connectable to the Internet. In this regard, claims 1, 2 and 10 are amended to clearly require that the facsimile machine is connectable to both a LAN and the internet, and not just to a LAN as asserted by the Action and disclosed by Ikeda. This is a very important distinction because, as discussed below, applicant's claimed facsimile machine handles requests for data transfer very differently depending on whether the e-mail is received over the LAN or over the internet.

Given that internet connectivity is not disclosed, Ikeda cannot disclose applicant's further limitation of a control unit that, "accepts the request for data transfer if the e-mail is received over LAN and does not accept the request for data transfer if the e-mail is received over the internet," as is required by independent claims 1, 2 and 10. With respect to this limitation, the Action states "determined based on communication management information, para. 0036". Applicant does not understand this assertion, because Ikeda's paragraph 0036 says nothing about accepting or not accepting a request for data transfer based on whether an email is received over a LAN or the internet. A general disclosure of "communication management information" does not teach or suggest applicant's specific claim features and, moreover, Ikeda cannot possibly disclose or suggest a distinction in treatment of facsimiles received by LAN or internet, since Ikeda does not even disclose internet connectivity.


Since Ikeda does not disclose each and every element of claims 1, 2 and 10, it cannot anticipate those claims or claims 3, 5-8, 11, 12 and 14 dependent thereon. The rejections under 35 USC 102(b) should be withdrawn.

### **Conclusion**

This application is now believed to be in condition for allowance. The Examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,  
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